



House of Representatives

File No. 611

General Assembly

January Session, 2007

(Reprint of File No. 459)

House Bill No. 7273
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 27, 2007

AN ACT CONCERNING SUSPENSIONS AND EXPULSIONS BY LOCAL AND REGIONAL BOARDS OF EDUCATION.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 10-233c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) Any local or regional board of education may authorize the
4 administration of the schools under its direction to suspend from
5 school privileges any pupil whose conduct on school grounds or at a
6 school sponsored activity is violative of a publicized policy of such
7 board or is seriously disruptive of the educational process or
8 endangers persons or property or whose conduct off school grounds is
9 violative of such policy and is seriously disruptive of the educational
10 process. In making a determination as to whether conduct is seriously
11 disruptive of the educational process, the administration may consider,
12 but such consideration shall not be limited to: (1) Whether the incident
13 occurred within close proximity of a school; (2) whether other students
14 from the school were involved or whether there was any gang
15 involvement; (3) whether the conduct involved violence, threats of

16 violence or the unlawful use of a weapon, as defined in section 29-38,
17 and whether any injuries occurred; and (4) whether the conduct
18 involved the use of alcohol. Any such board may authorize the
19 administration to suspend transportation services for any pupil whose
20 conduct while awaiting or receiving transportation to and from school
21 endangers persons or property or is violative of a publicized policy of
22 such board. Unless an emergency exists, no pupil shall be suspended
23 without an informal hearing by the administration, at which such
24 pupil shall be informed of the reasons for the disciplinary action and
25 given an opportunity to explain the situation, provided nothing herein
26 shall be construed to prevent a more formal hearing from being held if
27 the circumstances surrounding the incident so require, and further
28 provided no pupil shall be suspended more than ten times or a total of
29 fifty days in one school year, whichever results in fewer days of
30 exclusion, unless such pupil is granted a formal hearing pursuant to
31 sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency
32 situation exists, such hearing shall be held as soon after the suspension
33 as possible.

34 (b) In determining the length of a suspension period, the
35 administration may receive and consider evidence of past disciplinary
36 problems which have led to removal from a classroom, suspension or
37 expulsion of such pupil.

38 (c) Whenever any administration suspends a pupil, such
39 administration shall [within] not later than twenty-four hours after the
40 suspension notify the superintendent or such superintendent's
41 designee as to the name of the pupil against whom such disciplinary
42 action was taken and the reason therefor.

43 (d) Any pupil who is suspended shall be given an opportunity to
44 complete any classwork including, but not limited to, examinations
45 which such pupil missed during the period of suspension.

46 (e) For any pupil who is suspended for the first time pursuant to
47 this section and who has never been expelled pursuant to section 10-

48 233d, as amended by this act, the local or regional board of education
49 may shorten the length of or waive the suspension period if the pupil
50 successfully completes a board specified program and meets any other
51 conditions required by the board. Such board specified program shall
52 not require the pupil or the parent or guardian of the pupil to pay for
53 participation in the program.

54 [(e)] (f) Whenever a pupil is suspended pursuant to the provisions
55 of this section, notice of the suspension and the conduct for which the
56 pupil was suspended shall be included on the pupil's cumulative
57 educational record. Such notice shall be expunged from the cumulative
58 educational record by the local or regional board of education if a
59 pupil graduates from high school, or in the case of a suspension of a
60 pupil for which the length of the suspension period is shortened or the
61 suspension period is waived pursuant to subsection (e) of this section,
62 such notice shall be expunged from the cumulative educational record
63 by the local or regional board of education (1) if the pupil graduates
64 from high school, or (2) if the board so chooses, at the time the pupil
65 completes the board specified program and meets any other conditions
66 required by the board pursuant to said subsection (e), whichever is
67 earlier.

68 Sec. 2. Section 10-233d of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective July 1, 2007*):

70 (a) (1) Any local or regional board of education, at a meeting at
71 which three or more members of such board are present, or the
72 impartial hearing board established pursuant to subsection (b) of this
73 section, may expel, subject to the provisions of this subsection, any
74 pupil whose conduct on school grounds or at a school-sponsored
75 activity is violative of a publicized policy of such board or is seriously
76 disruptive of the educational process or endangers persons or property
77 or whose conduct off school grounds is violative of such policy and is
78 seriously disruptive of the educational process, provided a majority of
79 the board members sitting in the expulsion hearing vote to expel and
80 that at least three affirmative votes for expulsion are cast. In making a

81 determination as to whether conduct is seriously disruptive of the
82 educational process, the board of education or impartial hearing board
83 may consider, but such consideration shall not be limited to: (A)
84 Whether the incident occurred within close proximity of a school; (B)
85 whether other students from the school were involved or whether
86 there was any gang involvement; (C) whether the conduct involved
87 violence, threats of violence or the unlawful use of a weapon, as
88 defined in section 29-38, and whether any injuries occurred; and (D)
89 whether the conduct involved the use of alcohol.

90 (2) Expulsion proceedings pursuant to this section, except as
91 provided in subsection (i) of this section shall be required whenever
92 there is reason to believe that any pupil (A) on school grounds or at a
93 school sponsored activity, was in possession of a firearm, as defined in
94 18 USC 921, as amended from time to time, or deadly weapon,
95 dangerous instrument or martial arts weapon, as defined in section
96 53a-3, (B) off school grounds, did possess such a firearm in violation of
97 section 29-35 or did possess and use such a firearm, instrument or
98 weapon in the commission of a crime under chapter 952, or (C) on or
99 off school grounds, offered for sale or distribution a controlled
100 substance, as defined in subdivision (9) of section 21a-240, whose
101 manufacture, distribution, sale, prescription, dispensing, transporting
102 or possessing with intent to sell or dispense, offering, or administering
103 is subject to criminal penalties under sections 21a-277 and 21a-278.
104 Such a pupil shall be expelled for one calendar year if the local or
105 regional board of education or impartial hearing board finds that the
106 pupil did so possess or so possess and use, as appropriate, such a
107 firearm, instrument or weapon or did so offer for sale or distribution
108 such a controlled substance, provided the board of education or the
109 hearing board may modify the period of expulsion for a pupil on a
110 case by case basis, and as provided for in subdivision (2) of subsection
111 (c) of this section.

112 (3) Unless an emergency exists, no pupil shall be expelled without a
113 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,
114 and section 4-181a, provided whenever such pupil is a minor, the

115 notice required by section 4-177 and section 4-180 shall also be given to
116 the parents or guardian of the pupil. If an emergency exists, such
117 hearing shall be held as soon after the expulsion as possible.

118 (b) For purposes of conducting expulsion hearings as required by
119 subsection (a) of this section, any local or regional board of education
120 or any two or more of such boards in cooperation may establish an
121 impartial hearing board of one or more persons. No member of any
122 such board or boards shall be a member of the hearing board. The
123 hearing board shall have the authority to conduct the expulsion
124 hearing and render a final decision in accordance with the provisions
125 of sections 4-176e to 4-180a, inclusive, and section 4-181a.

126 (c) (1) In determining the length of an expulsion and the nature of
127 the alternative educational opportunity to be offered under subsection
128 (d), the local or regional board of education, or the impartial hearing
129 board established pursuant to subsection (b) of this section, may
130 receive and consider evidence of past disciplinary problems which
131 have led to removal from a classroom, suspension or expulsion of such
132 pupil.

133 (2) For any pupil expelled for the first time pursuant to this section
134 and who has never been suspended pursuant to section 10-233c, as
135 amended by this act, the local or regional board of education may
136 shorten the length of or waive the expulsion period if the pupil
137 successfully completes a board specified program and meets any other
138 conditions required by the board. Such board specified program shall
139 not require the pupil or the parent or guardian of the pupil to pay for
140 participation in the program.

141 (d) Notwithstanding the provisions of subsection (a) of section 10-
142 220, local and regional boards of education shall only be required to
143 offer an alternative educational opportunity in accordance with this
144 section. Any pupil under sixteen years of age who is expelled shall be
145 offered an alternative educational opportunity during the period of
146 expulsion, provided any parent or guardian of such pupil who does

147 not choose to have his or her child enrolled in an alternative program
148 shall not be subject to the provisions of section 10-184. Any pupil
149 expelled for the first time who is between the ages of sixteen and
150 eighteen and who wishes to continue his or her education shall be
151 offered an alternative educational opportunity if he or she complies
152 with conditions established by his or her local or regional board of
153 education. Such alternative may include, but shall not be limited to, the
154 placement of a pupil who is at least sixteen years of age in an adult
155 education program pursuant to section 10-69. A local or regional board
156 of education shall count the expulsion of a pupil when he was under
157 sixteen years of age for purposes of determining whether an
158 alternative educational opportunity is required for such pupil when he
159 is between the ages of sixteen and eighteen. A local or regional board
160 of education may offer an alternative educational opportunity to a
161 pupil for whom such alternative educational opportunity is not
162 required pursuant to this section.

163 (e) Notwithstanding the provisions of subsection (d) of this section
164 concerning the provision of an alternative educational opportunity for
165 pupils between the ages of sixteen and eighteen, local and regional
166 boards of education shall not be required to offer such alternative to
167 any pupil between the ages of sixteen and eighteen who is expelled
168 because of conduct which endangers persons if it is determined at the
169 expulsion hearing that the conduct for which the pupil is expelled
170 involved (1) possession of a firearm, as defined in 18 USC 921, as
171 amended from time to time, or deadly weapon, dangerous instrument
172 or martial arts weapon, as defined in section 53a-3, on school property
173 or at a school-sponsored activity, or (2) offering for sale or distribution
174 on school property or at a school-sponsored activity a controlled
175 substance, as defined in subdivision (9) of section 21a-240, whose
176 manufacture, distribution, sale, prescription, dispensing, transporting
177 or possessing with the intent to sell or dispense, offering, or
178 administration is subject to criminal penalties under sections 21a-277
179 and 21a-278. If a pupil is expelled pursuant to this section for
180 possession of a firearm or deadly weapon the board of education shall

181 report the violation to the local police department or in the case of a
182 student enrolled in a regional vocational-technical school to the state
183 police. If a pupil is expelled pursuant to this section for the sale or
184 distribution of such a controlled substance, the board of education
185 shall refer the pupil to an appropriate state or local agency for
186 rehabilitation, intervention or job training, or any combination thereof,
187 and inform the agency of its action. Whenever a local or regional board
188 of education notifies a pupil between the ages of sixteen and eighteen
189 or the parents or guardian of such pupil that an expulsion hearing will
190 be held, the notification shall include a statement that the board of
191 education is not required to offer an alternative educational
192 opportunity to any pupil who is found to have engaged in the conduct
193 described in this subsection.

194 (f) (1) Whenever a pupil is expelled pursuant to the provisions of
195 this section, notice of the expulsion and the conduct for which the
196 pupil was expelled shall be included on the pupil's cumulative
197 educational record. Such notice, except for notice of an expulsion
198 based on possession of a firearm or deadly weapon as described in
199 subsection (a) of this section, shall be expunged from the cumulative
200 educational record by the local or regional board of education if a
201 pupil graduates from high school, except as provided for in
202 subdivision (2) of this subsection.

203 (2) In the case of a pupil for which the length of the expulsion
204 period is shortened or the expulsion period is waived pursuant to
205 subdivision (2) of subsection (c) of this section, such notice shall be
206 expunged from the cumulative educational record by the local or
207 regional board of education (A) if the pupil graduates from high
208 school, or (B) if the board so chooses, at the time the pupil completes
209 the board specified program and meets any other conditions required
210 by the board pursuant to said subdivision (2), whichever is earlier.

211 (g) A local or regional board of education may adopt the decision of
212 a pupil expulsion hearing conducted by another school district
213 provided such local or regional board of education or impartial

214 hearing board shall hold a hearing pursuant to the provisions of
215 subsection (a) of this section which shall be limited to a determination
216 of whether the conduct which was the basis for the expulsion would
217 also warrant expulsion under the policies of such board. The pupil
218 shall be excluded from school pending such hearing. The excluded
219 student shall be offered an alternative educational opportunity in
220 accordance with the provisions of subsections (d) and (e) of this
221 section.

222 (h) Whenever a pupil against whom an expulsion hearing is
223 pending withdraws from school after notification of such hearing but
224 before the hearing is completed and a decision rendered pursuant to
225 this section, (1) notice of the pending expulsion hearing shall be
226 included on the pupil's cumulative educational record and (2) the local
227 or regional board of education or impartial hearing board shall
228 complete the expulsion hearing and render a decision. If such pupil
229 enrolls in school in another school district, such pupil shall not be
230 excluded from school in the other district pending completion of the
231 expulsion hearing pursuant to this subsection unless an emergency
232 exists, provided nothing in this subsection shall limit the authority of
233 the local or regional board of education for such district to suspend the
234 pupil or to conduct its own expulsion hearing in accordance with this
235 section.

236 (i) Prior to conducting an expulsion hearing for a child requiring
237 special education and related services described in subparagraph (A)
238 of subdivision (5) of section 10-76a, a planning and placement team
239 shall convene to determine whether the misconduct was caused by the
240 child's disability. If it is determined that the misconduct was caused by
241 the child's disability, the child shall not be expelled. The planning and
242 placement team shall reevaluate the child for the purpose of modifying
243 the child's individualized education program to address the
244 misconduct and to ensure the safety of other children and staff in the
245 school. If it is determined that the misconduct was not caused by the
246 child's disability, the child may be expelled in accordance with the
247 provisions of this section applicable to children who do not require

248 special education and related services. Notwithstanding the provisions
249 of subsections (d) and (e) of this section, whenever a child requiring
250 such special education and related services is expelled, an alternative
251 educational opportunity, consistent with such child's educational
252 needs shall be provided during the period of expulsion.

253 (j) An expelled pupil may apply for early readmission to school.
254 Except as provided in this subsection, such readmission shall be at the
255 discretion of the local or regional board of education. The board of
256 education may delegate authority for readmission decisions to the
257 superintendent of schools for the school district. If the board delegates
258 such authority, readmission shall be at the discretion of the
259 superintendent. Readmission decisions shall not be subject to appeal to
260 Superior Court. The board or superintendent, as appropriate, may
261 condition such readmission on specified criteria.

262 (k) Local and regional boards of education shall submit to the
263 Commissioner of Education such information on expulsions for the
264 possession of weapons as required for purposes of the Gun-Free
265 Schools Act of 1994, 20 USC 8921 et seq., as amended from time to
266 time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	10-233c
Sec. 2	<i>July 1, 2007</i>	10-233d

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Education, Dept.	GF - Savings	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	Savings	Potential	Potential

Explanation

The option of reducing the period of suspensions or expulsions could result in a savings to both the State Technical High Schools and local and regional school districts. The potential savings is the result of providing alternative educational opportunities to expelled students for a shorter period of time and thus educating them under less expensive in-house options. The savings is predicated on school boards actions with regard to suspended and expelled students and therefore cannot be estimated.

House "A" results in a potential revenue loss to school districts by prohibiting parents or guardians from being charged for programs specified in the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 7273 (as amended by House "A")******AN ACT CONCERNING SUSPENSIONS AND EXPULSIONS BY
LOCAL AND REGIONAL BOARDS OF EDUCATION.*****SUMMARY:**

This bill allows boards of education to shorten or waive suspension and expulsion periods for students who have not previously had either of these disciplinary actions imposed on them if the students complete a board-specified program and meet any other board-required conditions. The law already allows boards to determine suspension and expulsion periods, but only specifically allows for modifications, on a case-by-case basis, where the law requires a student to be expelled for a year because he possessed a weapon or sold drugs.

The bill prohibits the programs from charging students or their parents or guardians a fee to participate in them. Finally, it requires boards that have waived or shortened a suspension or expulsion period pursuant to the bill to expunge the required notice of the disciplinary action from the student's cumulative record when the student graduates high school or completes the board program and any additional requirements, whichever is earlier. Under current law, the notice, except for a notice of an expulsion based on possession of a firearm, must be expunged when the student graduates from high school.

*House Amendment "A" adds the provision prohibiting the programs from charging for participation.

EFFECTIVE DATE: July 1, 2007

BACKGROUND***Related Bills***

sHB 7356, reported favorably by the Education Committee, allows for the expulsion of a student whose presence in a school is seriously disruptive of another student's educational performance. sHB 7350, also reported favorably by the Education Committee, requires school suspensions to be served in school unless certain conditions are met.

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 30 Nay 0 (03/26/2007)